

REMARKS

Claims 1-18 are pending in this application. By this Amendment, claims 1-8, 10-12 and 15 are amended for clarity, claim 14 is amended to overcome the Office Action's §112 rejection and for clarity and dependent claim 18 is added. The specification is amended to delete unnecessary text. No new matter is added by the amendments.

I. Information Disclosure Statement

The Examiner is requested to consider the IDS filed November 12, 2008.

II. All Pending Claims are Patentable

Examiner Matthews is thanked for the courtesies extended to the Applicant's undersigned attorney at the November 20 personal interview. At the interview, it was agreed that the above amendments overcome the rejection under 35 U.S.C. §112. Applicant's Statement of the Substance of the Interview is incorporated into the following remarks.

Applicant notes with appreciation the identification of allowable subject matter in claims 3-6 and 11, and the allowance of claims 15-17. Applicant submits that all pending claims are in a condition for allowance as detailed below.

Claim 14 stands rejected under 35 U.S.C §112, second paragraph as being indefinite. Claim 14 has been amended to overcome the rejection. Withdrawal of the rejection is respectfully requested.

Claims 1, 2, 7, 8 and 12-14 stand rejected under 35 U.S.C. §102(b) over JP-A-6-124873, hereafter referred to as Takahashi. The rejection is respectfully traversed.

Takahashi does not disclose the combinations of features recited in claim 1. In rejecting Applicant's claims, the Office Action references paragraph 21 of Takahashi, which refers to a delay period taken to allow the liquid 30 to stop moving relative to the surface of the wafer 2 and optical element 7. As explained in Takahashi, since the wafer 2 is submerged in liquid 30 of chamber 9, each movement of the wafer chuck 12 causes currents in the liquid

30. See paragraph [0016] and [0021], and Fig. 1. The delay is a period to allow the currents in the liquid 30 to settle to a point where the liquid 30 is homogeneous. See paragraph [0019]. Even if the delay is measured, it is not a delay "during which the supply of the liquid from the liquid supply system is stopped." Quoting Takahashi at Paragraph [0021]: "Therefore, a delay period may be taken after the step for each shot or the flow status of the liquid 30 of this portion may be measured with the refractive index measuring apparatus 24 and the sequence continued at the point where the flow has stopped." The Takahashi delay is a stoppage of the exposure operation to allow the movement (flow status) of the liquid, caused by movement of the wafer stage, to stop. See paragraph [0020]-[0021] Thus, Takahashi does not disclose the "...measuring device which measures a time during which the supply of the liquid from the liquid supply system is stopped" recited in claim 1.

Thus, Takahashi fails to disclose each and every feature of independent claim 1. Accordingly, claims 2, 7, 8 and 12-14 are patentable for at least the reasons set forth above with respect to independent claim 1. Withdrawal of the rejection is respectfully requested.

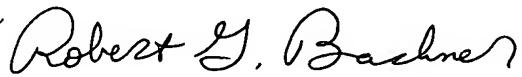
Claims 9 and 10 stand rejected under 35 U.S.C. §103(a) over Takahashi in view of JP-A-10-303114 or WO 99/49504 or Nakagawa (U.S. Patent Application Publication No. 2003/0136763 A1). None of the secondary references overcomes the deficiencies of Takahashi with respect to claim 1. Thus, claims 9 and 10 are patentable for at least the reasons set forth above with respect to claim 1. Withdrawal of the rejections is requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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